

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Tajae Bradley

(b) County of Residence of First Listed Plaintiff Philadelphia, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
See Attachment

## DEFENDANTS

Carvana, LLC

County of Residence of First Listed Defendant Maricopa County, AZ  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.Attorneys (If Known)  
See Attachment

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1332, 1441, 1446 and 1453

Brief description of cause:

Plaintiffs bring putative class action alleging violation of the Pennsylvania Unfair Trade Practice Consumer Protection law and unjust enrichment.

## VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jun 28, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Paul G. Gagne

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**ATTACHMENT TO COVER SHEET**

*Tajae Bradley, individually and as a representative of the Class v. Carvana, LLC*

**Attorneys for Plaintiffs:**

Kevin J. Abramowicz  
Kevin W. Tucker  
Chandler Steiger  
Stephanie Moore,  
EAST END TRIAL GROUP LLC  
6901 Lynn Way, Suite 215  
Pittsburgh, PA 15208  
(412) 877-5220

**Attorneys for Defendant:**

Paul G. Gagne, one of the Attorneys for  
Carvana, LLC  
Paul G. Gagne  
pgagne@kleinbard.com  
KLEINBARD LLC  
Three Logan Square  
Philadelphia, PA 19103  
Telephone: (215) 523-5302

Eric Leon (New York Bar No. 2626562)  
(Pro Hac Vice forthcoming)  
Eric.leon@lw.com  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

Robert C. Collins III (Illinois Bar No. 6304674)  
(Pro Hac Vice forthcoming)  
robert.collins@lw.com  
LATHAM & WATKINS LLP  
330 North Wabash Avenue, Suite 2800  
Chicago, Illinois 60611  
Telephone: (312) 876-7700  
Facsimile: (312) 993-9767

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Philadelphia, PA

Address of Defendant: 1930 W. Rio Salado Pkway, Tempe, AZ 85281

Place of Accident, Incident or Transaction: Philadelphia, PA


**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/28/2022  42009  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☒ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_


**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Paul G. Gagne, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 06/28/2022  42009  
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**TAJAE BRADLEY**, individually and as a representative of the Class,

**Plaintiff,**

**V.**

**CARVANA, LLC**

**Defendant.**

Case No.

## CLASS ACTION

## JURY TRIAL DEMANDED

## **NOTICE OF REMOVAL OF CARVANA, LLC**

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446 and 1453, Defendant Carvana, LLC (“Carvana”), by and through its counsel, hereby gives notice of removal of this action from the Court of Common Pleas, Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, stating as follows:

## I. FACTUAL BACKGROUND

1. On or about June 3, 2022, Plaintiff Tajae Bradley (“Plaintiff”) filed her Complaint in the Court of Common Pleas, Philadelphia County, Pennsylvania captioned *Bradley v. Carvana, LLC*, Case ID 220600355. A copy of the Complaint is attached hereto as Exhibit 1. Plaintiff served Carvana with a copy of the Complaint on June 15, 2022. *See* Summons (Ex. 2).

2. Plaintiff alleges she resides in Philadelphia County, Pennsylvania. *See* Compl. (Ex. 1) ¶ 6.

3. Plaintiff further alleges that Carvana is a limited liability company headquartered in Tempe, Arizona. *Id.* ¶ 7.

4. Plaintiff alleges that she purchased a vehicle from Carvana and that Carvana charged her a \$490 transit or delivery charge. *See id.* ¶¶ 32(c), 38, 39.

5. Plaintiff seeks to represent herself as well as a class of “[a]ll persons who purchased a motor vehicle from Carvana, arranged for delivery of the motor vehicle into Pennsylvania, and, within the applicable statute of limitations, were charged an amount purporting to represent a delivery fee or ‘Transit Charge.’” *Id.* ¶ 45.

6. The Complaint alleges that Carvana violated the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) when it charged Plaintiff and members of the proposed class delivery fees in alleged violation of the Pennsylvania Motor Vehicle Sales Finance Act (“MVSFA”). *Id.* ¶¶ 54-59.

7. The Complaint further alleges that Plaintiff and members of the proposed class conferred a benefit on Carvana by paying monies for delivery fees and that Carvana was unjustly enriched by retaining those fees. *Id.* ¶¶ 60-64.

## **II. GROUNDS FOR REMOVAL**

8. This case is removable, and this Court has jurisdiction over this action under the Class Action Fairness Act (“CAFA”), 28 U.S.C. §§ 1332(d), 1441 and 1453, because (1) this case is a putative class action with more than 100 members in the proposed class, (2) there is minimal diversity, because Carvana and at least one member of the proposed class are citizens of different states, and (3) the Complaint places in controversy an amount that exceeds \$5 million in the aggregate.

**A. The Proposed Class Readily Exceeds 100 Members**

9. For purposes of removal, CAFA requires that the proposed class consist of at least 100 members. *See* 28 U.S.C. § 1332(d)(5). Plaintiff defines the proposed class as “[a]ll persons who purchased a motor vehicle from Carvana, arranged for delivery of the motor vehicle into Pennsylvania, and, within the applicable statute of limitations, were charged an amount purporting to represent a delivery fee or ‘Transit Charge.’” *Id.* ¶ 45.

10. The proposed class includes more than 100 members, given that information currently available to Carvana shows that from June 3, 2016 through June 3, 2022, more than 100 persons purchased a motor vehicle from Carvana that was delivered into Pennsylvania and paid a delivery or transit charge. *See, e.g., Lincoln Ben. Life Co. v. AEI Life, LLC*, 800 F.3d 99, 107 & n.30 (3d Cir. 2015) (allegations on “information and belief” are sufficient for purposes of removal petition, because removal statute tracks language of Fed. R. Civ. P. 8(a)). Accordingly, the requirement of 28 U.S.C. § 1332(d)(5) is satisfied.

**B. Minimal Diversity Exists Among The Parties**

11. For purposes of establishing federal jurisdiction, CAFA requires only minimal diversity, and a defendant need only show that “any member of a class of plaintiffs is a citizen of a State different from any defendant.” *See* 28 U.S.C. § 1332(d)(2)(A)

12. According to the Complaint, Plaintiff is a resident of Pennsylvania. *See* Compl. (Ex. 1) ¶ 6. Upon information and belief, Plaintiff is a citizen of the State of Pennsylvania for purposes of diversity jurisdiction. *See* 28 U.S.C. § 1332(a)(1). Plaintiff also seeks to represent a class of individuals who arranged for delivery of a motor vehicle into Pennsylvania. *See* Compl. (Ex. 1) ¶ 45.

13. Plaintiff alleges that Carvana is a limited liability company headquartered in Tempe, Arizona. *See* Compl. (Ex. 1) ¶ 7. As alleged, Carvana would be a citizen of the State of

Arizona for purposes of diversity jurisdiction. *See* 28 U.S.C. § 1332(d)(10). Carvana, in fact, is organized under the laws of the State of Arizona and has its principal place of business in the State of Arizona and is thus a citizen of the State of Arizona for purposes of diversity jurisdiction. *See id.*

14. Sufficient diversity of citizenship therefore exists between Plaintiff and Carvana or, alternatively, between at least one other member of the proposed class and Carvana, and removal is proper. *See* 28 U.S.C. § 1332(d)(2)(A).

### **C. The Amount In Controversy Exceeds \$5 Million**

15. CAFA provides that “[i]n any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interests and costs.” 28 U.S.C. § 1332(d)(6). Where a complaint does not allege a dollar amount, a defendant’s notice of removal under CAFA need include “only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 81 (2014).

16. Plaintiff seeks actual damages, including a refund in the amount equal to the delivery or transit fees she paid. *See* Compl. (Ex. 1) ¶¶ 59, 64. Plaintiff specifically alleges she was charged \$490.00 in delivery or transit fees. *Id.* ¶ 38. Plaintiff also seeks to represent a class of vehicle purchasers in the six years before Plaintiff initiated this action on or about June 3, 2022. *See id.* ¶ 45. Information currently available to Carvana shows that, from June 3, 2016 through June 3, 2022, more than \$5 million was paid by Carvana customers for delivery or transit fees in connection with the delivery or transit of a motor vehicle into Pennsylvania.

17. In addition, Plaintiff seeks treble damages under the UTPCPL. *Id.* at Prayer for Relief(D). It is well-established that “[w]hen both actual and punitive damages are recoverable, punitive damages are properly considered in determining whether the jurisdictional amount has

been satisfied.” *Neri v. State Farm Fire & Cas. Co.*, 2019 WL 3821538, at \*3 (E.D. Pa. Aug. 13, 2019) (quoting *Packard v. Provident Nat’l Bank*, 994 F.2d 1039, 1046 (3d Cir. 1993)).

18. Carvana denies any and all liability and contends that Plaintiff’s allegations are entirely without merit. For purposes of this Notice of Removal, however, taking Plaintiff’s factual and legal allegations as true, the amount-in-controversy exceeds \$5,000,000, exclusive of interest and costs, and satisfies the amount-in-controversy requirement of CAFA. *See* 28 U.S.C. § 1332(d)(2).

### **III. COMPLIANCE WITH REMOVAL STATUTE**

19. The Notice of Removal was properly filed in the United States District Court for the Eastern District of Pennsylvania, because the Court of Common Pleas, Philadelphia County, Pennsylvania is located in this federal judicial district. *See* 28 U.S.C. § 1441(a); 28 U.S.C. § 93(a)(1).

20. The Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. *See* 28 U.S.C. § 1446(a).

21. Pursuant to 28 U.S.C. § 1446(a), attached hereto and marked as Exhibits 1 and 2, are true and correct copies of the Complaint and all process, pleadings, and orders served upon Carvana. *See* Compl. (Ex. 1); Summons (Ex. 2). Carvana has not filed an answer or other response to the Complaint in the Court of Common Pleas, Philadelphia County, Pennsylvania and is not aware of any currently pending motions in that court.

22. The Complaint was served on Carvana on June 15, 2022. *See* Ex. 2. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b)(1).

23. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on counsel for Plaintiff, and a copy, along with a Notice of Filing of the Notice of Removal, is also



being filed with the Clerk of the Court of Common Pleas, Philadelphia County, Pennsylvania today.

24. Carvana reserves the right to amend or supplement this Notice of Removal. Carvana further reserves all rights and defenses, including those available under Federal Rule of Civil Procedure and including all rights to move to compel arbitration and/or to enforce a class waiver provision.

#### IV. CONCLUSION

Carvana respectfully requests that this Court exercise jurisdiction over this action and enter orders and grant relief as may be necessary to secure removal and to prevent further proceedings in this matter in the Court of Common Pleas, Philadelphia County, Pennsylvania. Carvana further requests such other relief as the Court deems appropriate.

Dated: June 28, 2022

Respectfully submitted,

/s/ Paul G. Gagne

Paul G. Gagne, one of the Attorneys for  
Carvana, LLC

Paul G. Gagne  
pgagne@kleinbard.com  
KLEINBARD LLC  
Three Logan Square  
Philadelphia, PA 19103  
Telephone: (215) 523-5302

Eric Leon (New York Bar No. 2626562)  
(*Pro Hac Vice forthcoming*)  
Eric.leon@lw.com  
LATHAM & WATKINS LLP  
1271 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

Robert C. Collins III (Illinois Bar No. 6304674)  
(*Pro Hac Vice forthcoming*)  
robert.collins@lw.com  
LATHAM & WATKINS LLP  
330 North Wabash Avenue, Suite 2800  
Chicago, Illinois 60611  
Telephone: (312) 876-7700  
Facsimile: (312) 993-9767

**CERTIFICATE OF SERVICE**

I, Paul Gagne, hereby certify that I caused a copy of the foregoing to be served on the parties listed below by email and by U.S. mail on June 28, 2022.

Kevin J. Abramowicz  
Kevin W. Tucker  
Chandler Steiger  
Stephanie Moore,  
EAST END TRIAL GROUP LLC  
6901 Lynn Way, Suite 215  
Pittsburgh, PA 15208  
(412) 877-5220

Dated: June 28, 2022

/s/ Paul G. Gagne  
Paul G. Gagne  
One of the Attorneys for Defendant Carvana, LLC

Paul G. Gagne  
pgagne@kleinbard.com  
KLEINBARD LLC  
Three Logan Square  
Philadelphia, PA 19103  
Telephone: (215) 523-5302